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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  CHRISTOPHER MILLER,

12                  Petitioner,

13                  v.

14                  KENNETH QUINN,

15                  Respondent.

16                  Case No. C06-5694RJB

17                  ORDER ADOPTING REPORT  
18                  AND RECOMMENDATION  
19                  AND DISMISSING PETITION  
20                  FOR WRIT OF HABEAS  
21                  CORPUS

22                  The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Kelley  
23                  Arnold, United States Magistrate Judge, objections to the Report and Recommendation (Dkt. 17), and the  
24                  remaining record, does hereby find and Order:

- 25                  (1) The Report and Recommendation concludes that petitioner's habeas claims are unexhausted  
26                  and procedurally barred. A review of the record supports the conclusions of the magistrate  
27                  judge. Petitioner's objections are without merit. The relevant authority he cites does not  
28                  support his position; instead, that authority supports the conclusions of the Report and  
                Recommendation. *See Baldwin v. Reese*, 541 U.S. 27 (2004); *Peterson v. Lampert*, 319  
                F.3d 1153 (9<sup>th</sup> Cir. 2003).
- (2) The Report and Recommendation (Dkt. 16) is **ADOPTED**;
- (3) The petition for writ of habeas corpus is **DISMISSED** as unexhausted and procedurally  
                barred;
- (4) Petitioner's pending motions are moot and/or inappropriate and therefore **DENIED**; and

1                             (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent,  
2                             and to the Hon. J. Kelley Arnold.

3                             DATED this 18<sup>th</sup> day of May, 2007.

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5                             Robert J. Bryan  
6                             United States District Judge

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